APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,919	04/09/2001	Marc Herrmann	T3264-906756	5817

181   7590   05/28/2004

MILES & STOCKBRIDGE PC
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EXAMINER
PHAN, TAM T

ART UNIT	PAPER NUMBER
2144	11

DATE MAILED: 05/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.		Applicant(s)	
Office Action Summary	09/735,919		HERRMANN ET AL.	
	Examiner		Art Unit	
	Tam (Jenny) Phan		2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _08 August 2001_.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _15-35_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _15-35_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _14 December 2000_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _5_.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1. This application has been examined. Pre-amendment A received on 12/14/2000 (14

December 2000) and Pre-amendment B received on 04/09/2001 (09 April 2001) have been

entered. Claims 15-35 are presented for examination.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers

have been placed of record in the file.

3. The effective filing date for the subject matter defined in the pending claims in this

application is 12/16/1999 (16 December 1999).

Information Disclosure Statement

4. An initialed and dated copy of Applicant's IDS form 1449, Paper No. 5, is attached to the

instant Office action.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6. Claims 15-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turek et al.

(U.S. Patent Number 6,460,070), hereinafter referred to as Turek in view of Devarakonda et al.

(U.S. Patent Number 6,055,562), hereinafter referred to as Devarakonda.

7. Regarding claim 15, Turek disclosed a method for deploying a distributed monitoring of

a computer system comprising a plurality of resources to be monitored forming at least one

monitored domain comprises: deploying indicators characterizing the status or the operation of

one or more resources of the computer system; and deploying a specified configuration,

implemented by a configuration deployment agent that creates and assigns, for each resource to

be monitored, a configuration agent, said configuration agent handling the creation of indicator

agents for the resource that has been assigned to said indicator agents by the configuration

deployment agent (Abstract, Figures 4-6, column 2 lines 30-46, column 5 lines 43-51, column 6

lines 27-37, column 7 lines 49-63).

8.   Turek taught the invention substantially as claimed. However, Turek did not expressly

teach specifying for each indicator to be deployed, the domain or domains of the computer

system in which each indicator should be deployed.

9.   Turek suggested exploration of art and/or provided a reason to modify the method with

the specifying domain(s) feature (Figure 4 sign 34, column 2 lines 47-51, column 3 lines 47-57).

10.   Devarakonda disclosed a method that specify for each indicator to be deployed, the

domain or domains [location] of the computer system in which each indicator should be

deployed (Abstract, Figures 2B, 3, 5, column 1 lines 46-61, column 3 lines 32-49).

11.   It would have been obvious to one of ordinary skill in the art at the time of the invention

was made to modify the method of Turek with the teachings of Devarakonda to include the

specifying domain(s) feature in order to provide better flexibility since in large network,

distributed computer networks, network problems are complicated and difficult to diagnose

(Turek, column1 lines 48-50) and pre-configured agent is not robust because it could fail if the

location of the computer system or destination objects changes (Devarakonda, column 1 lines 26-

35).

12.   Regarding claim 16, Turek disclosed a deployment method further comprising creating

by each configuration agent an indicator deployment agent for each indicator of the resource to

which the indicator is assigned, and determining by said indicator deployment agent, for the

indicator with which said deployment agent is associated, various combinations of the values of

the variables for which the indicator is calculated (Abstract, column 2 lines 16-21, lines 47-58,

column 7 lines 2-14, 34-48).

13.   Regarding claim 17, Turek and Devarakonda combined disclose a deployment method

further comprising, analyzing a formula defining the indicator, generating by an indicator

compiler two object classes ["I_Deployer" and "I_Indicator"], after analyzing the formula

defining the indicator, said two object classes corresponding to the indicator deployment agents

that deploy the instances of the class ["I_Indicator"] and to the indicator agents that evaluate the

indicator (Turek, column 2 lines 47-53, column 6 lines 27-37, lines 49-59, column 7 lines 34-48;

Devarakonda, column 2 lines 59-67, column 3 lines 8-18, 32-45).

14.   Regarding claim 18, Turek disclosed a deployment method further comprising: executing

by the indicator deployment agent a process for resolving the names of objects referenced in a

formula of the indicator and creating by the indicator deployment agent corresponding indicator

agents by determining valid combinations of the values of the variables of said objects (column 5

lines 43-60, column 7 lines 49-63, column 8 lines 39-52).

15.   Regarding claim 19, Turek and Devarakonda combined disclose a deployment method

according to claim 17, further comprising generating, for any indicator, by an indicator compiler

two object classes ["I_Deployer" and "I Indicator"], after analyzing the formula defining the

indicator, said two object classes corresponding to the indicator deployment agents that deploy

the instances of the class ["I_Indicator"] and to the indicator agents that evaluate the indicator

(Turek, column 2 lines 47-53, column 6 lines 27-37, lines 49-59, column 7 lines 34-48;

Devarakonda, column 2 lines 59-67, column 3 lines 8-18, 32-45).

16.   Regarding claim 20, Turek disclosed a deployment method wherein the process for

resolving the name consists of applying a process for searching for all of the objects identified in

the formula of the indicator, the search process consisting of verifying for a referenced object

whether a constraint expressed in the values of the variables is satisfied, and if the constraint is

satisfied, creating the indicator agent associated with the indicator deployment agent, using as

parameters the objects corresponding to the valid combinations of the values of the variables

found (column 7 lines 2-14, lines 34-48, column 8 lines 39-52, column 9 lines 5-20).

17.   Regarding claim 21, Turek disclosed a deployment method wherein the process for

resolving the name consists of applying a process for searching for all of the objects identified in

the formula of the indicator, the search process consisting of: verifying for a referenced object

whether a constraint expressed in the values of the variables is satisfied, and if the constraint is

satisfied, creating the indicator agent associated with the indicator deployment agent, using as

parameters the objects corresponding to the valid combinations of the values of the variables

found (column 7 lines 2-14, lines 34-48, column 8 lines 39-52, column 9 lines 5-20).

18.   Regarding claim 22, Turek disclosed a deployment method further comprising managing

the configuration deployment agents and the configuration agents by at least one agent machine

installed in at least one resource of the monitored domain (Figures 1-2, 5, column 2 lines 30-62).

19.   Regarding claim 23, Turek disclosed a deployment method further comprising managing the configuration deployment agents and the configuration agents by at least one agent machine installed in at least one resource of the monitored domain (Figures 1-2, 5, column 2 lines 30-62).

20.   Regarding claim 24, Turek disclosed a deployment method further comprising managing the indicator deployment agent either by an agent machine that manages the configuration agent associated with the indicator deployment agent, or by a different agent machine (Figures 1-2, 5, column 2 lines 30-62, column 49-59, column 9 lines 51-65).

21.   Regarding claim 25, Turek disclosed a deployment method further comprising managing the indicator deployment agent either by an agent machine that manages the configuration agent associated with the indicator deployment agent, or by a different agent machine (Figures 1-2, 5, column 2 lines 30-62, column 49-59, column 9 lines 51-65).

22.   Regarding claims 26-35, the system corresponds to the method of claims 15-25 and thus these claims are rejected using the same rationale.

23.   Since all the limitations of the claimed invention were disclosed by the combination of Turek and Devarakonda, claims 15-35 are rejected.

Conclusion

24.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-892 for details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam (Jenny) Phan whose telephone number is (703) 305-4665. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on 703-308-3873. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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tp
May 24, 2004